

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

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In the Matter of	)	
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THYSSENKRUPP ACCESS CORP.	)	CPSC DOCKET NO.: 21-1
	)	
	)	
	)	
Respondent.	)	

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**COMPLAINT COUNSEL’S APPLICATION FOR THE ISSUANCE  
OF A SUBPOENA DUCES TECUM ON NON-PARTY CASH, KRUGLER &  
FREDERICKS, LLC**

Pursuant to 16 C.F.R. § 1025.38, which requires the issuance of a subpoena to any non-party for the purpose of compelling attendance, testimony, and production of documents at a hearing or deposition, Complaint Counsel respectfully requests that the Presiding Officer forward, and that the Commission issue, the subpoena duces tecum submitted concurrently with this Application.

The non-party named in the subpoena is Cash, Krugler & Fredericks, LLC (“CKF”). CKF is a law firm located in Atlanta, Georgia that represented two consumer families concerning incidents involving Respondent thyssenkrupp Access Corp.’s (“TKA”) residential elevators. In a December 24, 2010 incident, a 3-year-old boy became entrapped in the space between the hoistway door and the elevator car door of Respondent’s Destiny model elevator. The child suffered a catastrophic brain injury when the elevator moved between floors, and as a result, is permanently disabled. In a February 1, 2017 incident, a 2-year-old boy died when he became entrapped in the space between the hoistway door and the accordion door of Respondent’s LEV model elevator that was moving between floors.

CKF counsel has indicated to Complaint Counsel that they have responsive documents and are willing to provide them if served with a subpoena. Based upon those discussions and discovery completed to date, Complaint Counsel believes that CKF has critical, relevant information regarding the residential elevators at issue in this matter (“Subject Products”), including, but not limited to, information regarding prior testimony of Respondent’s corporate representatives and consumer family members, expert reports and analysis, and incident information related to the Subject Products, including information about consumers’ interactions with the residential elevators. Furthermore, Respondent has, on multiple occasions, made representations that, due to Respondent exiting the residential elevator business in 2012, it has limited documentation and information regarding the Subject Products.<sup>1</sup> Thus, the information requested in the Subpoena is not only relevant to the Subject Products and this litigation, but it is also likely that Complaint Counsel would not have access to the requested documentation and information absent the issuance of this subpoena.

Accordingly, Complaint Counsel requests that the Presiding Officer forward this Application and the subpoena duces tecum to the Commission for appropriate action.<sup>2</sup>

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<sup>1</sup> *See, e.g.*, January 30, 2020 Letter from Sheila Millar, Esq. to Carolina Abraham, CPSC at 2 (“TKA has retained limited records relating to its previous operations. These records are dispersed in multiple locations, are not organized or archived in a systemic way and, to the extent documents are even available, may not be in an easily searchable format.”).

<sup>2</sup> This court approved electronic filing and service at the October 20, 2021 Initial Pre-Hearing Conference. The Court also noted at the pre-hearing conference that the parties have no objection to providing one electronic copy of the subpoena (instead of triplicate as prescribed by 16 C.F.R. § 1025.38).

Dated: November 4, 2021

Respectfully submitted,



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Mary B. Murphy, Director

Gregory M. Reyes, Supervisory Attorney

Michael J. Rogal, Trial Attorney

Frederick C. Millett, Trial Attorney

Division of Enforcement and Litigation  
Office of Compliance and Field Operations  
U.S. Consumer Product Safety Commission  
Bethesda, MD 20814  
Tel: (301) 504-7809

Complaint Counsel for  
U.S. Consumer Product Safety Commission

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2021, I served Complaint Counsel's Application for the Issuance of Subpoena Duces Tecum on Non-Party Cash, Krugler & Fredericks, LLC upon all parties and participants of record in these proceedings as described below:

*By email to the Secretary:*

Alberta E. Mills  
Secretary  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814  
Email: AMills@cpsc.gov

*By email to the Presiding Officer:*

The Honorable Mary Withum  
c/o Alberta E. Mills  
Secretary  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814  
Email: AMills@cpsc.gov

*By email to Counsel for Respondent:*

Sheila A. Millar  
Steven Michael Gentine  
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Michael J. Rogal  
Complaint Counsel for  
U.S. Consumer Product Safety Commission

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**ORDER TRANSMITTING COMPLAINT COUNSEL’S APPLICATION FOR THE  
ISSUANCE OF A SUBPOENA DUCES TECUM ON NON-PARTY CASH KRUGLER &  
FREDERICKS, LLC**

On November 4, 2021, Complaint Counsel for the U.S. Consumer Product Safety Commission filed an Application for the Issuance of Subpoena Duces Tecum on Non-Party Cash Krugler & Fredericks, LLC.

Pursuant to 16 C.F.R. § 1025.38(c), the application is hereby transmitted to the Secretary so that it may be forwarded to the Commission.

Done and Dated: \_\_\_\_\_  
Arlington, VA

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Mary F. Withum  
Administrative Law Judge